



महाराष्ट्र शासन राजपत्र

असाधारण भाग चार-ब

वर्ष ५, अंक १२३]

शनिवार, ऑगस्ट ३१, २०१९/भाद्र ९, शके १९४१

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असाधारण क्रमांक ३०२

प्राधिकृत प्रकाशन

महाराष्ट्र शासनाने महाराष्ट्र अधिनियमान्वये तयार केलेले
(भाग एक, एक-अ आणि एक-ल यांमध्ये प्रसिद्ध केलेले नियम व आदेश यांव्यतिरिक्त) नियम व आदेश.

REVENUE AND FORESTS DEPARTMENT

Madam Cama Marg, Hutatma Rajguru Chowk,
Mantralaya, Mumbai 400 032, dated the 30th August 2019

NOTIFICATION

MAHARASHTRA LAND REVENUE CODE, 1966.

No.Rabhua-2017/C.R.89/L-1.—The following draft of rules which the Government of Maharashtra proposes to make in exercise of the powers conferred by sub-section (1) and clauses (xlvii), (xlviii), (xlix), (li), (lii), (liii), and (lxiii) of sub-section (2) of section 328 of the Maharashtra Land Revenue Code, 1966 (Mah. XLI of 1966), and of all other powers enabling it in that behalf, is hereby published as required by sub-section (1) of the section 329 of the said Act, for information of all the persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Maharashtra on or after the 30th September 2019.

2. Any objections or suggestions, which may be received by the Additional Chief Secretary, Revenue and Forests Department, Madam Cama Road, Hutatma Rajguru Chowk, Mantralaya, Mumbai 400 032, or on email doll1cell.rfd@maharashtra.gov.in, from any person with respect to the said draft on or before the aforesaid date, will be considered by the Government.

DRAFT RULES

1. Short title.— These Rules may be called the Maharashtra Land Revenue Record of Rights and Registers for Apartments in Building (Preparation and Maintenance) Rules, 2019.

2. Definitions.— (1) In these Rules, unless the context requires otherwise,—

- (a) “Annexure” means the Annexure appended to these Rules;
 - (b) “Certifying Officer” means the Revenue or Survey Officer competent to certify entries in the register of mutation under sub-section (6) of section 150;
 - (c) “City Survey Rules” means the Maharashtra Land Revenue (Village, Town and City Survey) Rules, 1969;
 - (d) “Code” means the Maharashtra Land Revenue Code, 1966 (Mah.XLI of 1966);
 - (e) “Form” means a Form appended to these Rules;
 - (f) “Maha RERA Authority” means the Maharashtra Real Estate Regulatory Authority established under the Real Estate (Regulation and Development) Act, 2016;
 - (g) “Principal Rules” means the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971;
 - (h) “Record of Rights” means the Record of Rights prepared under the Principal Rules;
 - (i) “Record of Rights for Apartments” means the Record of Rights for Apartment, prepared under rule 4 of these Rules and which is supplementary to the Record of Rights;
 - (j) “Registrar” means the Registrar as defined in the Maharashtra Co-operative Societies Act, 1960 (Mah. XXIV of 1961);
 - (k) “RERA Act” means the Real Estate (Regulation and Development) Act, 2016 (16 of 2016);
 - (l) “Section” means section of the Code;
 - (m) The expressions “Apartment”, “Common area” and “internal development works” shall have the same meanings, respectively assigned to them, in the RERA Act;
- (2) Words and expressions used but not defined hereinabove, shall have the same meaning as respectively, assigned to them in the Code.

3. Application of Rules.— (1) These Rules shall be applicable to the buildings for preparing the Record of Rights of the Apartments.

(2) The rights of Apartment owners which are the part of the buildings, having sanctioned building plan from the competent planning authority, shall be eligible to be recorded in the Record of Rights under these Rules.

(3) These Rules shall be supplementary to the Maharashtra Land Revenue Record of Rights and Registers (Preparation and Maintenance) Rules, 1971.

4. Form of Record of Rights for Apartments.— (1) In areas surveyed under section 126, a Record of Rights and register of mutations for each Apartment shall be prepared in the form of a Supplementary Property Card in Form D-2 and shall be maintained as per the provisions of rules 21 to 28 of the Principal Rules.

(2) The Property Card provided in sub-rule (1) shall be the Supplementary Property Card to the Property Card prescribed under rule 7 of the City Survey Rules.

(3) In areas other than those surveyed under section 126, a Record of Rights for each Apartment shall be prepared and maintained in the form of a Supplementary Card in Form I-B and such Supplementary Card shall be called as Village Form “Seven-D” and such Card shall supplement Form I of the Principal Rules.

(4) In areas surveyed under section 126, a Record of Rights containing details of common areas and internal development works as well as Apartment number and carpet area of each Apartment shall be prepared and maintained in the form of a Supplementary Property Card in Form D-1. The contents thereof shall be incorporated at the end of Form D of the City Survey Rules.

(5) In areas other than those surveyed under section 126, a Record of Rights containing details of common areas and internal development work as well as Apartment number and carpet area of each Apartment shall be prepared and maintained in the form of a Supplementary Card in Form I-A and shall be called as Village Form Seven-C and such Card shall be incorporated at the end of Form I *i.e.* Village Form Seven in lieu of Form XII *i.e.* Village Form Twelve.

(6) For the purpose of the rule, if the registered deed mentions only the built up area, the carpet area shall be taken from the area used for the purpose of stamp duty calculation *i.e.*, built up area divided by a factor of 1.2 rounded to the nearest two decimals.

5. Responsibility for preparation and maintenance of Record of Rights for Apartments.— The authorities under the Principal Rules shall be responsible to prepare and maintain the Record of Rights of the Apartments under these Rules.

6. Procedure for preparation of Record of Rights of Apartments.— The procedure for preparation of the first Record of Rights of Apartments shall be as provided under rules 4 and 5 of the Principal Rules. For this purpose,—

(a) Land and survey number mentioned in the Principal Rules shall include Apartment and the Apartment number, respectively,

(b) Local enquiry mentioned in the Principal Rules shall include collection of information from the records of Revenue Department, Local Authorities, Planning Authorities, Co-operative Housing Societies, Association of Apartment Owners, etc.

7. Apply for Record of Rights.— (1) In case of the buildings which are constructed before the commencement of these Rules, any holder of the property or a person authorized by the Co-operative Housing Society of a building or the promoter or developer or Chairman or Secretary of the Co-operative Housing Society or building or Association of Apartment Owners, etc., may apply for the preparation of the first Record of Rights of Apartments.

(2) After the commencement of these rules, as soon as sanctioned building plan is received, the holder or promoter or developer of the land shall apply under these Rules for preparation of Record of Rights of Apartments, before sale of Apartments in the building.

(3) Any holder of Apartment may also apply individually for the purpose of these Rules by submitting all the necessary documents for his Apartment and for the entire building.

(4) The registrar office shall send the information regarding any registered deeds relating to Apartments registered with them to the concerned Authorities as provided in the Principal Rules.

(5) The application under sub-rules (1) and (2) shall be made alongwith documents mentioned in Annexure I and fee of rupees one thousand for each Apartment, for preparation of Record of Rights of Apartments.

(6) The applications received under this rule shall be processed as provided in rules 21 to 28 of the Principal Rules.

8. Power to issue instructions to assist in local enquiry.— (1) The Registrar, competent authorities of local authorities, etc., may issue directions to the land owner, promoters, developers, societies, etc., to assist in local enquiry for preparation of Record of Rights.

(2) In case of projects which are registered with the Maha RERA Authority under the RERA Act, the Authority may issue directions to the land owner, promoters, developers, societies, etc., to assist to prepare Record of Rights under these Rules.

9. Preparation and updation of maps.— (1) To enable the preparation of Record of Rights, the existing maps shall be updated with the information regarding structures from the approved building plan. New maps may be prepared, if necessary, for the said purpose.

(2) If the building stands on a parcel of land for which sub-division measurement is not done or if the applicant asks for new demarcation plan, necessary measurement shall be done on payment of appropriate fees.

(3) If the building or its premises consists of more than one survey or city survey number, amalgamation of land parcels shall be done as per the existing rules prior to preparation of supplementary records.

10. Redevelopment and reconstruction of properties.— (1) If the built-up area on the land is demolished, all Supplementary Record of Rights shall be held in abeyance.

(2) After completion of due procedure, fresh Supplementary Record of Rights of such building shall be prepared as per the procedure prescribed above.

11. Validity of supplementary Record of Rights.—The supplementary Record of Rights shall always be issued and read with the main Record of Rights.

12. Recovery of fee.— If the supplementary record of the Apartment is prepared under these Rules and if the requisite fee provided in these Rules is not paid by the Apartment holder, then, such fee shall be recovered as arrears of land revenue.

13. Application of Principal Rules.— If any procedure is not prescribed under these Rules, the provisions of the Principal Rules shall be applicable.

FORM I-A

[See rule 4 (5)]

Village Form Seven-C

Supplementary Record of Rights for common areas, internal development works and Basic Information of Apartments.

Sr. No. (1)	Type of Common Area (2)	Area (Sq. Meter) (3)	Remarks (4)
Sr. No. (5)	Apartment No. (6)	Carpet area. (7)	Undivided Share in land (%) (8)
Total			
Number and Date of Sanctioned Building Plan* (9)	Number and Date of Commencement Certificate (10)	Number and Date of Occupation Certificate (11)	Number and Date of Completion Certificate (12)

Note.— This content shall be incorporated at the end of Form I *i.e.* Village Form Seven in lieu of XII *i.e.* Village Form Twelve.

*As Forms under these Rules are created as soon as the sanctioned building plan is received, actual status of construction of Apartment should be verified at site by any interested party.

FORM I-B

[See rule 4 (3)]

Village Form Seven-D

SUPPLEMENTARY RECORD OF RIGHTS FOR APARTMENT*

Village	Taluka	District
Survey/Gat No. (1)	Sub-Division No. (2)	Building No./Name (3)
Floor No. / Name (4)	Apartment No. (5)	Carpet Area (Sq.metres) (6)
Name of Apartment Holder* (7)	Khata No. (8)	Other rights (9)

*To be read with Principal Record of Rights.

*As Forms under these Rules are created as soon as the sanctioned building plan is received, actual status of construction of Apartment should be verified at site by any interested party.

FORM D-1

[See rule 4(4)]

Supplementary Record of Rights for common areas, internal development works and basic information of Apartments.

Sr. No. (1)	Type of Common Area (2)	Area (Sq. Metres) (3)	Remarks (4)
Sr. No. (5)	Apartment No. (6)	Carpet area. (7)	Undivided Share in land (%) (8)
Total			
Number and Date of Sanctioned Building Plan* (9)	Number and Date of Commencement Certificate (10)	Number and Date of Occupation Certificate (11)	Number and Date of Completion Certificate (12)

Note.— The content shall be incorporated at the end of Form D of the Maharashtra Land Revenue (Village, Town and City Survey) Rules, 1969.

*As Forms under these Rules are created as soon as the sanctioned building plan is received, actual status of construction of Apartment should be verified at site by any interested party.

FORM D-2

[See rule 4(1)]

SUPPLEMENTARY PROPERTY CARD FOR APARTMENT

Village/Town/Wards/Peth : Tal : Dist :

City Survey No. / Final Plot No. (1)	Building No. / Name (2)	Floor No./Name (3)	
Apartment No. (4)	Carpet Area (Sq. metres). (5)	Name of Apartment Holder (6)	Other Rights (7)
Date (8)	Transactions (9)	New Holder (H) Lessee (L) or Encumbrances (E) (10)	Remark (11)

To be Read with Principal Property Card.

*As Forms under these Rules are created as soon as the sanctioned building plan is received, actual status of construction of Apartment should be verified at site by any interested party.

ANNEXURE I

[See rule 7(5)]

Documents to be submitted for taking entries of Apartments.

- (a) Existing Record of Rights.
 - (b) Non-agriculture order or *Sanad* thereof.
 - (c) Sanctioned building plan.
 - (d) Commencement Certificate, if received already.
 - (e) Occupation Certificate, if received already.
 - (f) Completion Certificate, if received already.
 - (g) Registered Conveyance Deed of society.
 - (h) Registered agreement of developer with land owner.
 - (i) Any deed conveying the rights over the Apartment to the individual or society, *e.g.* Power of Attorney, development agreement for such other document.
 - (j) Any other relevant document.
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By order and in the name of the Governor of Maharashtra,

DR. SANTOSH BHOGALE,
Joint Secretary to Government.